

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
RECEIVED & FILED

U.S. Bank Trust, N.A., as Trustee for LSF9
Master Participation Trust

Plaintiff

vs.

Collen E. Graffam a/k/a Colleen E.
Kearney Graffam and Stephen M. Graffam

Defendants

CIVIL ACTION NO: 2:22-cv-00076-JAW 10:30

JUDGMENT OF FORECLOSURE AND
SALE

RE:

643 Methodist Road, Westbrook, ME 04092

Mortgage:

July 28, 2005

Book 22978, Page 107

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on July 17, 2023. Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, was present and represented by John A. Doonan, Esq. Defendants, Colleen E. Graffam and Stephen M. Graffam, did not appear.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff.

JUDGMENT on Count I - Foreclosure is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("U.S. Bank") the amount adjudged due and owing (\$293,157.61) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a

breakdown of the amount due and owing:

Description	Amount
Principal Balance	\$245,763.55
Interest	\$20,098.68
Escrow/Impound Required	\$16,459.12
Suspense Balance	\$-41.57
Late Charges	\$367.29
Rec Corp Adv Balance	\$10,510.54
Grand Total	\$293,157.61

2. If the Defendants or their heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$293,157.61) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Westbrook Property shall terminate, and U.S. Bank shall conduct a public sale of the Westbrook Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$293,157.61 after deducting the expenses of the sale, with any surplus to the Defendants or the heirs or assigns, in accordance with 14 M.R.S.A. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendants pursuant to the Plaintiff's waiver of deficiency at trial.
3. In the event that the Defendant, and anyone occupying the premises, do not vacate the property upon termination of his/her right to possession, U.S. Bank may reopen this matter to seek a Writ of Assistance and/or Writ of Possession to be served by the U.S. Marshals Service pursuant to Federal Rule of Civil Procedure 4.1(a) consistent with this Judgment.
4. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
5. The amount due and owing is \$293,157.61.
6. U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust has first priority, in

the amount of \$293,157.61, pursuant to the subject Note and Mortgage and there are no parties in interest other than the Defendants who have second priority.

7. The prejudgment interest rate is 2.50000%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 5.32%, *see* 28 U.S.C. § 1961.
8. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust 13801 Wireless Way Oklahoma City, OK 73134	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANT	Colleen E. Graffam 95 Federal Street Wiscasset, ME 04578	Pro Se
	Stephen M. Graffam 95 Federal Street Wiscasset, ME 04578	Pro Se
PARTIES-IN-INTEREST	None	

- a) The docket number of this case is No. 2:22-cv-00076-JAW.
- b) The Defendants, the only parties to these proceedings besides U.S. Bank, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 643 Methodist Road, Westbrook, ME 04092, is set forth in Exhibit A to the Judgment herein.

- d) The street address of the real estate involved is 643 Methodist Road, Westbrook, ME 04092. The Mortgage was executed by the Defendants, Colleen E. Graffam and Stephen M. Graffam on July 28, 2005. The book and page number of the Mortgage in the Cumberland County Registry of Deeds is Book 22978, Page 107.
- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an in rem judgment against the property, 643 Methodist Road, Westbrook, ME 04092.

SO ORDERED

DATED THIS 17th DAY OF July, 2023 Anna Woodard, J.
U.S. DISTRICT JUDGE